

# REGISTRY OF ELECTION FINANCE

The Registry of Election Finance met Wednesday, December 12, 2007, at Suite 1614 of Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee.

Presiding over the meeting was Chairperson William Long. Attending the meeting were board members George Harding, Patricia Heim, Wade Hinton, Darlene McNeece and Lee Anne Murray.

On motion by Heim, seconded by McNeece, the board voted unanimously to approve the minutes from the November 14, 2007 regular board meeting. The motion passed the board unanimously.

## ***Requests for Reconsideration***

**07-71 Jerry Cooper**, for possible personal use of campaign funds. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty per violation. Sen. Cooper has had no previous matters before the board.

The board voted at its November 14, 2007 meeting to consider all checks written from Sen. Cooper's campaign account as separate violations. The board then voted to assess Sen. Cooper a \$120,000 civil penalty. Sen. Cooper requested a reconsideration of the assessment.

Sen. Cooper, along with his attorney Michael Galligan, appeared before the board and requested that the civil penalty be reduced.

Harding made a motion to request an Attorney General Opinion on the authority of the Registry to assess a civil penalty of more than \$10,000. This motion died for lack of a second. Harding then made a motion to reconsider the \$120,000 civil penalty assessment. Harding withdrew this motion. Harding then renewed his motion to request an Attorney General Opinion on the authority of the Registry to assess a civil penalty of more than \$10,000. This motion was seconded by Murray. The motion to request an Attorney General Opinion on the authority of the Registry to assess a civil penalty of more than \$10,000 passed the board unanimously.

**07-73 DCRP Candidate Fund**, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), 25 days late, maximum six hundred twenty-five dollar (\$625) civil penalty. The organization has had no previous matters before the board.

The board voted at its November 14, 2007 meeting to assess the organization a \$625 civil penalty.

Branden Miller, treasurer for the organization, submitted a sworn statement and requested a reconsideration of the assessment.

On motion by Hinton, seconded by McNeece, the board voted unanimously to reconsider the \$625 civil penalty assessment. A motion was made by McNeece, seconded by Harding, to assess the organization a \$200 civil penalty. A friendly

amendment was made by Murray, accepted by McNeece and Harding, to assess the organization a \$100 civil penalty. The motion to assess the organization a \$100 civil penalty passed the board unanimously.

### ***Sworn Statement Submitted***

***07-78 Keith Pitts (Davidson County)***, for failure to timely file a 2007 pre-general campaign financial disclosure report. Class one (1), 10 days late, maximum two hundred fifty dollar (\$250) civil penalty. Mr. Pitts has had a previous matter before the board.

The board voted at its November 14, 2007 meeting to assess Mr. Pitts a \$50 civil penalty.

Director Rawlins informed the board that the Registry received a sworn statement from Mr. Pitts the day after the meeting so he placed Mr. Pitt's case back on the agenda for consideration.

On motion by Harding, seconded by Murray, the board voted unanimously to reaffirm the \$50 civil penalty assessment.

### ***Cases Subject to Approval for Civil Penalty***

***07-72 Isaac Robinson, III***, for failure to timely file a 2007 mid-year supplemental campaign financial disclosure report. Class one (1), 10 days late, maximum two hundred fifty dollar (\$250) civil penalty. Mr. Robinson has had a previous matter before the board.

The board voted at its October 10, 2007 meeting to issue Mr. Robinson a show cause notice.

Director Rawlins informed the board that Mr. Robinson has closed his campaign account but that there has been no response to the show cause notice.

On motion by Harding, seconded by Murray, the board voted 5 to 0 to assess Mr. Robinson a \$50 civil penalty, with Hinton "recusing."

***07-74 Perry County Republican Party***, for failure to file a 2007 mid-year supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand dollar (\$10,000) civil penalty. The organization has had previous matters before the board.

The board voted at its October 10, 2007 meeting to issue the organization a show cause notice.

Director Rawlins informed the board that there has been no response to the show cause notice and that the report still has not been filed.

On motion by Murray, seconded by Hinton, the board voted unanimously to assess the organization a \$10,000 civil penalty.

***07-80 Johnson & Johnson Employee Good Government Fund***, for failure to timely file an Appointment of Political Treasurer statement. Class two (2), 9 days late, maximum two hundred twenty-five dollar (\$225) civil penalty. The organization has had no previous matters before the board.

The board voted at its November 14, 2007 meeting to issue the organization a show cause notice.

Director Rawlins informed the board that the Registry received a check for the maximum civil penalty amount of \$225 from the organization.

On motion by Harding, seconded by Heim, the board voted unanimously to assess the organization a \$225 civil penalty.

**07-81 Jerome Cochran**, for possibly exceeding the individual contribution limits. Class two (2), maximum ten thousand dollar (\$10,000) civil penalty. Mr. Cochran has had no previous matters before the board.

The board voted at its November 14, 2007 meeting to issue Mr. Cochran a show cause notice.

Mr. Cochran submitted a sworn statement for the board's consideration.

On motion by Heim, seconded by McNeece, the board voted unanimously to take no further action in this matter as long as Mr. Cochran reimburses his campaign \$204.22, provides the Registry with documentation of the reimbursement of \$204.22 to his campaign account and lists the reimbursement on his year-end supplemental campaign financial disclosure report.

### ***Cases Considered for Issuance of Show Cause Notice***

**Kevin Gallagher**, for failure to file a 2007 3<sup>rd</sup> quarter campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand dollar (\$10,000) civil penalty. Mr. Gallagher has had no previous matters before the board.

On motion by Harding, seconded by Heim, the board voted unanimously to issue Mr. Gallagher a show cause notice.

**Wayne McGinnis**, for failure to timely file a 2007 3<sup>rd</sup> quarter campaign financial disclosure report. Class one (1), nine days late, maximum two hundred twenty-five dollar (\$225) civil penalty. Mr. McGinnis has had no previous matters before the board.

Director Rawlins informed the board that Mr. McGinnis has closed his campaign account.

On motion by Murray, seconded by Harding, the board voted unanimously to take no action.

**Harold White (Davidson County)**, for failure to timely file a 2007 3<sup>rd</sup> quarter campaign financial disclosure report. Class one (1), nine days late, maximum two hundred twenty-five dollar (\$225) civil penalty. Mr. White has had no previous matters before the board.

On motion by Harding, seconded by Murray, the board voted unanimously to issue Mr. White a show cause notice.

## ***Cross Indexing Report***

Director Rawlins provided the board with a cross indexing report which contains contributions reported as being given by PACs but not reported by the following candidates:

### ***G. A. Hardaway***

Based on the information contained in the cross-indexing report, on motion by Heim, seconded by McNeece, the Registry voted unanimously to issue Rep. Hardaway a show cause notice for failure to report 13 PAC contributions totaling \$11,000.

### ***Jeanne Richardson***

Pursuant to T.C.A. §2-10-110 Rep. Richardson was not issued a show cause notice for the failure to report one contribution of \$400 due to her filing an amended report correcting the omission within 10 business days from the date of receipt of the Registry's notice.

### ***Gary Rowe***

Pursuant to T.C.A. §2-10-110 Rep. Rowe was not issued a show cause notice for the failure to report one contribution of \$250 due to him filing an amended report correcting the omission within 10 business days from the date of receipt of the Registry's notice.

## ***Audit Review***

### ***Joey Hensley***

On motion by Heim, seconded by Murray, the board voted unanimously to approve Rep. Hensley's 2006 pre-primary unitemized contribution campaign audit with the included findings.

### ***Jesse Jobe***

On motion by Murray, seconded by McNeece, the board voted unanimously to approve Mr. Jobe's 2006 campaign finance audit with the included finding.

## ***Reported Financial Expenses***

Director Rawlins provided the board members with a list of civil penalties that have been paid year to date.

Director Rawlins presented the expenditure reports for the 2006/2007 fiscal year through November 30, 2007.

### ***Executive Director's Report***

- Director Rawlins provided the board with a request from Rep. Ulysses Jones asking for a Registry opinion concerning use of his campaign funds to pay for expenses associated with him missing work for legislative duties.

On motion by Murray, seconded by Hinton, the board voted unanimously that it would be acceptable for Rep. Jones to pay a co-worker to work his shift with campaign funds when he must miss work for legislative duties.

- Director Rawlins informed the board that the state is in the process of looking for office space for the Registry and that the current lease expires July 2008.
- Director Rawlins informed the board that he toured hotels with COGEL representative Diane Gill for the 2010 COGEL Conference that is to be held in Nashville.

### ***Election of Officers***

A motion was made by Murray, seconded by McNeece, to name William F. Long, Jr. as chairperson and Wade Hinton as secretary for 2008 by acclamation.

### ***Other Business***

Long, seconded by Murray made a motion, to adjourn the meeting until the next regularly scheduled meeting. The motion passed unanimously.